

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
(at Boston)**

<b>IN RE: NEW ENGLAND</b>	)	<b>Master File No. 1:13-MD-2419-FDS</b>
<b>COMPOUNDING PHARMACY,</b>	)	<b>MDL Docket No. 2419</b>
<b>INC. PRODUCTS LIABILITY</b>	)	<b>This Document Relates To:</b>
<b>LITIGATION</b>	)	
	)	<i>Shaffer v. Cadden</i> , 1:13-cv-10226-FDS
	)	<i>Schroder v. New England Compounding</i>
	)	<i>Pharmacy, Inc.</i> , 1:13-cv-10227-FDS
	)	
	)	<i>Adams v. Cadden, et al.</i> , 1:13-cv-10229-FDS

**CONSENTED MOTION FOR LEAVE TO FILE *INSTANTER* MEMORANDUM IN  
SUPPORT OF MOTIONS TO WITHDRAW REFERENCE OR, IN THE  
ALTERNATIVE, MOTION TO JOIN MOTIONS TO WITHDRAW REFERENCE**

Pursuant to 28 U.S.C. § 157(b)(5) and Local Rule 7.1(b)(3), defendant GDC Properties Management, LLC (“GDC”), moves the Court for an Order granting it leave to file *instanter* the attached memorandum in support of Ameridose LLC’s Motions to Withdraw Reference (the “Motions to Withdraw”) filed in the above-captioned cases (the “Adversary Proceedings”) or, in the Alternative to accept the attached memorandum as a motion to join Ameridose LLC’s Motions to Withdraw. In support of this motion, GDC states as follows:

(1) Ameridose LLC filed the Motions to Withdraw on February 5, 2013, in the Adversary Proceedings in an effort to have these cases heard by this Court.<sup>1</sup>

(2) On February 12, 2013, the Judicial Panel on Multidistrict Litigation (the “JPML”) created MDL 2419 for cases arising from the alleged contamination of injectable products at the New England Compounding Pharmacy facility.<sup>2</sup>

<sup>1</sup> See D. Mass. Case No. 1:13-cv-10226-FDS (*Shaffer*), Doc. No. 1, ¶ 2; D. Mass. Case No. 1:13-cv-10227-FDS (*Schroder*), Doc. No. 1, ¶ 2; D. Mass. Case No. 1:13-cv-10229-FDS (*Adams*), Doc. No. 1, ¶ 2. GDC is a party to the Adversary Proceedings.

<sup>2</sup> D. Mass. Dkt. No. 1:13-md-02419-FDS, Doc. No. 2.

(3) On February 15, 2013, this Court issued MDL Order No. 1 in MDL 2419, which provides that “actions transferred to this Court by the [JPML] pursuant to its order of February 12, 2013, entitled New England Compounding Pharmacy, Inc. Products Liability Litigation, and any tag-along actions transferred by the Panel after that date, and any related actions previously assigned to this Court” are “coordinated for pretrial purposes.”<sup>3</sup> The Adversary Proceedings are all subject to MDL Order No. 1 because they are “related actions previously assigned to this Court.”

(4) On February 18, 2013, plaintiffs filed a consolidated opposition to the Motions to Withdraw.<sup>4</sup>

(5) GDC has not had an opportunity to offer any argument relating to the Motions to Withdraw.

(6) In the attached memorandum, GDC provides additional bases for the Court to accept jurisdiction over these lawsuits, and offers a framework for the Court to utilize in having future-filed, related personal injury tort or wrongful death lawsuits originally filed in state courts transferred here to conserve judicial resources.

(7) Pursuant to Local Rule 7.1(a), undersigned counsel certifies that prior to filing this motion and memorandum, they have conferred and attempted in good faith to resolve the issues address by this motion and memorandum with opposing counsel. Opposing counsel has agreed to the filing of this motion and memorandum, but does not consent in the relief sought.

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<sup>3</sup> *Id.*, at Doc. No. 4 (MDL Order No. 1), ¶¶ 1-2.

<sup>4</sup> D. Mass. Case No. 1:13-cv-10226-FDS (*Shaffer*), Doc. No. 11; D. Mass. Case No. 1:13-cv-10227-FDS (*Schroder*), Doc. No. 11; D. Mass. Case No. 1:13-cv-10228-FDS (*Cary*), Doc. No. 11; D. Mass. Case No. 1:13-cv-10229-FDS (*Adams*), Doc. No. 11.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been filed with the Clerk of the Court on March 3, 2013 using the CM/ECF system which sent notification of this filing to all ECF registered counsel of record via e-mail generated by the Court's ECF system.

/s/ Joseph P. Thomas

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